

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 92-518-C - ORDER NO. 93-361 ✓

APRIL 26, 1993

|        |                                      |   |                 |
|--------|--------------------------------------|---|-----------------|
| IN RE: | Application of Inmate Phone Systems  | ) | ORDER DENYING   |
|        | Corporation for Authority to Operate | ) | PETITION FOR    |
|        | as a Reseller of Telecommunications  | ) | REHEARING AND   |
|        | Services within the State of South   | ) | RECONSIDERATION |
|        | Carolina.                            | ) | OF ORDER NO.    |
|        |                                      | ) | 93-284          |

This matter is before the Public Service Commission of South Carolina (the Commission) on the Petition for Rehearing and Reconsideration of Order No. 93-284 (the Petition) filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate). Order No. 93-284 granted Inmate Phone Systems Corporation's (IPSC's or the Company's) Petition for Rehearing or Reconsideration of Order No. 93-148. IPSC had requested reconsideration of that portion of Order No. 93-148 which required it to refund all revenues collected by it for completion of intrastate telephone calls prior to its certification as a reseller. In its Petition, the Consumer Advocate contends the Commission has ignored its rulings on other occasions where it ordered resellers of long distance telecommunication services to issue refunds for calls completed prior to certification. IPSC has filed a return opposing the Petition.

After review of Order No. 93-284, the Petition, and the return, the Commission concludes the Petition should be denied. The Commission recognizes that it has ordered refunds by long distance companies which had completed calls prior to their certification as a reseller. However, the Commission concludes that it is within its discretion to determine when it is appropriate to order refunds. As explained in Order No. 93-284, on at least two occasions the Commission has not required refunds where a provider of telephone services had some form of authority from the Commission even though it did not have authority to offer the service being provided and for which it was seeking certification.

In Order No. 93-284, the Commission found that IPSC had authority to provide COCOT<sup>1</sup> services at the time it began providing reseller services to the McCormick Correctional Institute, that IPSC applied for reseller certification when it discovered it needed that form of certification to operate from a confinement facility, and that it ceased to market its reseller services once it discovered that its COCOT certificate did not provide it with such authority. Under these circumstances, the Commission determined it would not order IPSC to issue refunds. The

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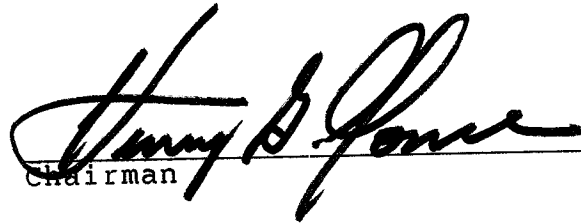
1. "COCOT" is the anachronism for Customer Owned Coin Operated Telephones.

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Commission finds and concludes that this decision was a matter of discretion and proper under the circumstances. Therefore, the Commission concludes that the Petition should be and is hereby denied.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)